

OCT 17 2005

PTO/SB/26 (09-04)

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TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT	Docket Number (Optional) A328A-USA
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In re Application of: Schulman, et al.
 Application No.: 10/719,715
 Filed: 11/21/2003
 For: BATTERY-POWERED PATIENT IMPLANTABLE DEVICE

The owner, THE ALFRED E. MANN FOUNDATION FOR SCIENTIFIC RESEARCH, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent Nos. 6,185,452; 6,164,284; 6,564,807 as the term of said prior patents are defined in 35 U.S.C. 154 and 173, and as the term of said prior patents are presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

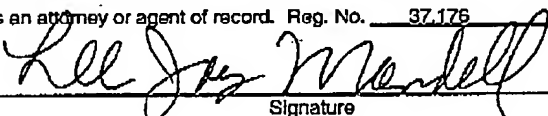
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- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 37,176


 Signature

October 11, 2005
 Date

Lee J. Mandell
 Typed or printed name

661-702-6700
 Telephone Number

☒ Terminal disclaimer fee under 37 CFR 1.20(d) included, i.e., the PTO is authorized to charge this fee to our deposit account 50-0692.

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PAGE 20/21 * RCVD AT 10/17/2005 1:26:13 PM [Eastern Daylight Time] * SVR:USPTO-EFAX-6/24 * DNIS:2738300 * CSID:6617026710 * DURATION (mm-ss):11-34